



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,987	11/12/2003	Terrence W. Schmidt	1934-8-3	7342

7590

07/05/2006

Bryan A. Santarelli
GRAYBEAL JACKSON HALEY LLP
Suite 350
155 - 108th Avenue NE
Bellevue, WA 98004-5901

EXAMINER

OLSON, LARS A

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/712,987	Applicant(s) SCHMIDT ET AL.	
	Examiner Lars A. Olson	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7 and 9-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-18, 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7, 9, 10, 19-26, 29-32 and 35 is/are rejected.
- 7) ☒ Claim(s) 3, 33, 34 and 36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. An amendment was received from the applicant on May 15, 2006.
2. Claims 5, 6 and 8 have been canceled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 7, 9, 10, 19-26, 29-32 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Marbury, Jr. (US 3,776,167).

Marbury, Jr. discloses the same method as claimed, as shown in Figures 1-3, said method being comprised of the steps of floating a mission module, defined as Part #26, near a vessel, defined as Part #10, having a multi-mode hull that is operable to allow said vessel to maneuver in at least two operational modes, as shown in Figures 2 and 3, said mission module being operable to enable said vessel to perform a function for a mission, retrieving said mission module with said vessel by means of a ramp, defined as Part #20, as shown in Figure 2, and installing said mission module into a bay, defined as Part #22 or 24, of said vessel, as shown in Figure 3, where said mission module is operable to enable distribution of resources from said module to said vessel.

Marbury, Jr. also discloses a method that is comprised of the steps of disengaging a mission module, defined as Part #26, from a vessel, defined as Part #10, having a multi-mode hull, as shown in Figure 3, removing said mission module from a bay, defined as Part #22 or 24, of said vessel down a ramp, defined as Part #20, and floating said mission module away from said vessel, as shown in Figure 2.

Marbury, Jr. also discloses a method that is comprised of the steps of removing a first mission module from a vessel, as shown in Figure 2, said vessel having a multi-mode hull that is operable to allow said vessel to maneuver in at least two operational modes, floating a second mission module near said vessel, as shown in Figure 2, and installing said second mission module in said vessel, as shown in Figure 3, enabling distribution of resources from the mission module to said vessel.

Marbury, Jr. also discloses the same vessel as claimed, as shown in Figures 1-3, that is comprised of a frame, defined as Part #20, that is operable to retrieve a mission module, defined as Part #26, floating near said frame, as shown in Figure 2, and install said mission module in said vessel, as shown in Figure 3, said vessel having a multi-mode hull that is operable to allow said vessel to maneuver in at least two operational modes, as shown in Figures 2 and 3.

Allowable Subject Matter

5. Claims 11-18, 27 and 28 are allowed.

6. Claims 3, 33, 34 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 2, 4, 7, 9, 10, 19-26, 29-32 and 35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Art Unit: 3617

9. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

June 23, 2006

LARS A. OLSON
PRIMARY EXAMINER


6/23/06